

CERTIFIED TRUE COPY

FILED

PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

JUL 22 1998

By: Marianne W. Greenwald
Deputy Attorney General
Division of Law, 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Tel. (201) 648-4738

BOARD OF PHARMACY

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION :	
OR REVOCATION OF THE LICENSE OF :	Administrative Action
Frederic Penn, R.P. :	CONSENT ORDER
TO PRACTICE PHARMACY IN THE :	
STATE OF NEW JERSEY :	
<i>RI 16035</i> :	

This matter was opened to the State Board of Pharmacy by Peter Verniero, Attorney General of New Jersey, Marianne W. Greenwald, Deputy Attorney General appearing. Respondent entered into a Consent Order with the Board of Pharmacy on August 9, 1996 whereby he agreed to the voluntary surrender of his pharmacy license pending a plenary hearing before the Board upon respondent's application for relicensure.

Respondent appeared before the full Board on June 10, 1998 and testified as to his past treatment for substance abuse and his present efforts to maintain his sobriety.

It appearing that respondent has completed a patient treatment program, continues to attend support group meetings, is under the care of a psychiatrist and continues to have negative drug and

alcohol screens, and respondent having satisfied the Board of his intention to continue in his present treatment program, and it further appearing that respondent wishes to resolve this matter without the necessity of further formal proceedings, and for good cause shown,

IT IS THEREFORE, ON THIS *22nd* DAY OF *July*, 1998,
ORDERED:

1. The license of Frederic Penn, R.P. to practice pharmacy in the State of New Jersey is hereby suspended for three (3) years with credit for the time since August 9, 1996 when he voluntarily refrained from the practice of pharmacy. The first two years of said suspension, beginning August 9, 1996, shall be active; the remaining one year of said suspension shall be stayed.

2. After respondent has submitted documentation of 30 continuing education credits, respondent shall be placed on probation ~~for the~~ duration of the stayed suspension, subject to compliance with paragraphs 3 through 13 herein. If respondent violates any of the provisions of paragraphs 3 through 13 herein, the Board may initiate proceedings to revoke his license to practice pharmacy.

3. Respondent shall not be a pharmacist-in-charge during the entire period of probation.

4. Respondent hereby consents to the entry of an Order of Automatic Suspension of his license without notice upon the Board's receipt of any reliable information such as, but not limited to, a report of a confirmed positive urine or information from any out-

patient program or counselor which reveals evidence of substance abuse during the probationary period.

5. Respondent shall have the right to apply for removal of the automatic suspension on two (2) days notice but the hearing in such event shall be limited to a showing that urine tested was not his or was a false positive, in the case of urine testing, or that other information submitted was false.

6. Respondent shall have his urine monitored at his own expense on a random, unannounced basis. Testing shall be performed one time per week throughout the first six months of the stayed suspension period commencing August 9, 1998 and two times per month for the duration of that period ending August 9, 1999. The urine specimens shall be performed with direct witnessing by a Board approved monitor. The initial drug screen will utilize the EMIT technique and all confirming tests and/or secondary test will be ~~performed~~ performed by gas chromatographing/mass spectrometry (GC/MS). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation thereof.

7. The result of all tests shall be reported directly by the testing laboratory on a monthly basis to H. Lee Gladstein, Executive Director of the Board or his successor, or his designee in the event he is unavailable. The Board may at anytime alter or modify the manner of the testing directed herein. In the event of any such alteration or modification the Board shall give timely notice of any new testing requirement to the respondent.

8. In the event respondent is unable to appear for a scheduled urine test due to illness or other impossibility, consent to waive that day's test must be secured from the Board office. The lab or monitor will not be authorized to provide consent. In addition, respondent must provide the Board with any written substantiation which may be obtained for his inability to appear, e.g. physician's report.

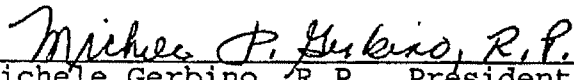
9. Any failure to appear for a urine test for which consent is not secured from the Board, and for which no written substantiation is furnished satisfactory to the Board within two (2) days of such failure to appear shall be grounds for activation of the suspension upon short notice.

10. Respondent shall submit quarterly documentation that he attends support group meetings at least three times per week for the duration of the probationary period.

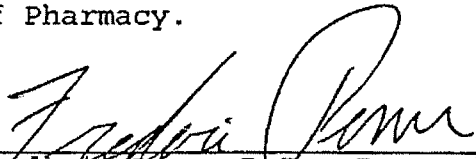
11. Respondent shall give written notice to the Board prior to beginning or changing any employment.

12. Respondent shall not use or possess any controlled dangerous substances, except for bona fide medical purposes as deemed necessary by a physician or other authorized prescriber during the entire period of probation. In such event, respondent shall serve notice to the Board in writing. Respondent shall advise any and all treating physicians of his history of drug abuse.

13. During the probation period, the Board may require the appearance of respondent at a meeting for a status conference, at any time with reasonable prior notice to respondent.


Michele Gerbino, R.P., President
State Board of Pharmacy

I have read the above Order
and I understand its terms.
I agree to be bound by the
terms of the above Order.
I consent to the entry of
this Order by the State Board
of Pharmacy.


Frederic Penn, R.P., Respondent